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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,260	03/21/2001	Scott E. Moore	MI22-1663	6202

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SPOKANE, WA 99201

EXAMINER

ELEY, TIMOTHY V

ART UNIT PAPER NUMBER

3724

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/814,260

Applicant(s)

MOORE ET AL.

Examiner

Timothy V Eley

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 68-72, 74-95, 103-106 and 118-138 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 118-125 and 130-137 is/are allowed.
- 6) ☒ Claim(s) 68-71, 74-76, 84-95, 103-106, 126-129 and 138 is/are rejected.
- 7) ☒ Claim(s) 72 and 77-83 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/20/03, 12/31/03, 5/04/04, 11/20/04</u> | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3724

DETAILED ACTION

1. The allowability of several claims is hereby withdrawn in view of the Yueh(5,791,970) reference. The Yueh reference is applied to the claims in the proceeding rejections.

Claim Objections

2. Claims 126-129 are objected to because --a-- should be inserted after "providing"(claim 126, line 3). Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 92 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- "controlling . . . fluid"(claim 92, lines 2 and 3) is vague, indefinite, and awkwardly and confusingly worded.

Claim Rejections - 35 USC § 102

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 103,104,106,126-129, and 138 are rejected under 35 U.S.C. 102(a) as being anticipated by Yueh(5,791,970).

Art Unit: 3724

- Yueh discloses a semiconductor workpiece processing method comprising; providing a semiconductor processor system adapted to process a semiconductor workpiece using a process fluid; transporting the process fluid relative to the semiconductor processor system; monitoring the process fluid; and recirculating the process fluid after the monitoring. See figure 2, column 1, lines 13-15, column 2, lines 32-37, column 3, lines 14-45, 48, and 59, and column 4, lines 14-20.
- Regarding claims 104 and 127, the monitoring comprises monitoring turbidity (amount of particles) of the process fluid using the sensor 31. See column 3, last 2 lines to column 4, lines 1-19.
- Regarding claim 106, the recirculating is controlled responsive to the monitoring. See column 2, lines 32-37.
- Regarding claim 128, the semiconductor workpiece process fluid is compared with a signature. See column 4, lines 14-20.
- Regarding claim 129, a plurality of components of the semiconductor workpiece process fluid are mixed, and the mixing is controlled responsive to the monitoring. See figures 2 and 3, and column 3, lines 34-37.
- Regarding claim 138, element 28 may function as a distributor, as broadly recited.

Art Unit: 3724

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 68-71, 74-76, 84-91, 93-95, 105, and 138 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yueh.

- Yueh is explained above. In additional, Yueh monitors a "sample" of the fluid inherently in a substantially static state.
- Yueh does not specifically disclose a process chamber.
- It would have been an obvious matter of choice to one having ordinary skill in the art at the time of the invention to provide the processor system within a process chamber in order to enclose the workpiece therein and thereby reducing the passing of contaminants to the atmosphere and to protect the workpiece.
- Regarding claims 74-76, exactly when the monitoring takes place would have been an obvious matter of choice to one having ordinary skill in the art at the time of the invention since clearly the monitoring at any particular time should have a set value in order to provide consistency of the process.
- Regarding claims 89 and 90, inherently "differential" turbidity of the "sample" of the process fluid is monitored with respect to different moments in time.

Art Unit: 3724

- Regarding claim 94, other operations of the semiconductor process system are monitored(see controller 41 in figure 2) and the sample is consistency monitored during such operations.

Allowable Subject Matter

9. Claims 72, and 77-83 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claim 92 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

11. Claims 118-125, and 130-137 are allowed.

Response to Arguments

12. Applicant's arguments, filed September 02, 2004 have been fully considered and are persuasive. Therefore, the rejections has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Yueh as indicated above.

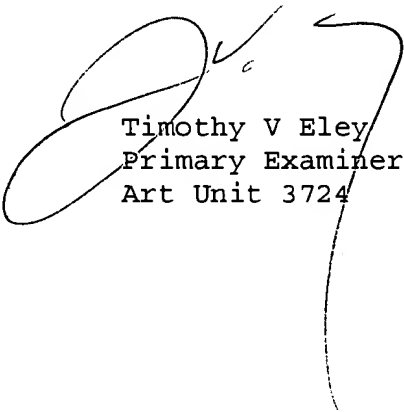
Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy V Eley whose telephone number is 571-272-4506. The examiner can normally be reached on M-F.

Art Unit: 3724

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Timothy V Eley
Primary Examiner
Art Unit 3724

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